



**US Army Corps  
of Engineers®**  
New England District

696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

Date: December 4, 2001  
Comment Period Ends: February 4, 2002  
File Number: 199902477  
In Reply Refer To: Brian E. Valiton  
Or by e-mail: [Brian.E.Valiton@usace.army.mil](mailto:Brian.E.Valiton@usace.army.mil)

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**Cape Wind Associates, LLC, 1 Atlantic Avenue, South Yarmouth, Massachusetts, 02664, has requested a Corps of Engineers permit, under Section 10 of the Rivers and Harbors Act of 1899, to install and maintain a pile-supported scientific measuring tower extending approx. 263 feet in the air above the mean lower low water elevation in the ocean waters of Nantucket Sound as well as an associated measurement device imbedded in the sea floor. These structures are in Nantucket Sound but are outside of State of Massachusetts waters. The ocean waters at this location are approx. 13' deep and the steel support pilings for this structure will be driven approx. 100 feet into the seabed.**

**These devices are for the purpose of gathering scientific data, including meteorological and oceanographic data, to evaluate the design and engineering criteria for a proposed wind energy project in this area of Horseshoe Shoals. This permit action is only for the installation of these scientific measuring devices to gather technical data and has no effect on the environmental review and permitting process for the entire "wind farm" project. The "wind farm" project itself is the subject of a separate and distinct permit and environmental review process with further opportunity for public involvement. The decision on this application will have no effect on whether or not we will ultimately issue a permit for the much larger "wind farm" project.**

**The proposed data gathering structures/devices are shown on the attached drawings. The fixed steel tower is located at approximately UTM coordinates N 4591777.01 and E 0390211.35, Zone 19, located on the USGS Yarmouth quadrangle sheet. The device to be imbedded in the ocean bottom, with a line connecting it to the tower, is located approximately 2000 feet from the proposed data tower. Based on information provided, the District Engineer has made a preliminary determination that direct, indirect and cumulative adverse effects of this action to Essential Fisheries Habitat will be minor.**

**In order to properly evaluate the proposal, we are seeking public comment regarding its impacts. We must determine whether or under what circumstances we should permit these structures/devices. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Mr. Brian E. Valiton at (978) 318-8166 or use our toll free number (800) 362-4367 if calling from within Massachusetts or (800) 343-4789 if calling from outside of Massachusetts.**

**Any person may be request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments, when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.**

**SEE NEXT PAGE FOR  
DETAILS OF EVALUATION  
FACTORS**

**Karen Kirk Adams  
Chief, Permits & Enforcement Branch  
Regulatory Division**

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The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Based on his initial review, the District Engineer has determined that the likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, may be necessary.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- ☐ Permit, License or Assent from the Commonwealth of Massachusetts.
- ☐ Permit from Local Wetland Agency or Conservation Commission.
- ☐ Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The State of Massachusetts has an approved Coastal Zone Management Program. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

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NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_